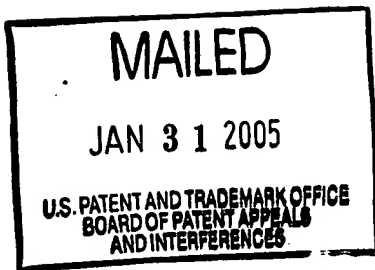


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte SCOTT T. HUGHES
and
MATTHEW W. MILNE

Application No. 09/585,129

ORDER RETURNING UNDOCKETED APPEAL

This application was electronically received at the Board of Patent Appeals and Interferences on November 23, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith electronically returned to the examiner. The matters requiring attention prior to docketing are identified below.

Information Disclosure Statements (IDSs) were filed on December 22, 2003 and August 6, 2004. It is not apparent from the record whether the examiner properly considered the IDSs

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submitted or notified appellants of why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

Accordingly, it is

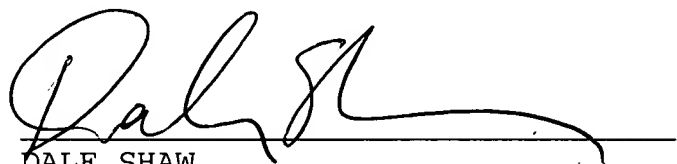
ORDERED that the application is returned to the

Examiner:

1. for consideration of the IDSs submitted December 22, 2003 and August 6, 2004;
 2. for notification to appellant of the action taken;
- and
3. for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:


DALE SHAW
Program and Resource Administrator
(571) 272-9797

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20511 Lake Forest Drive
C205 - Intellectual Property Department
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DS/psb/pb
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